

**Version with Markings to Show Changes Made**

1. (Three Times Amended) A server adapted to provide broadcast information relevant to a locality to a plurality of localities, said server comprising:

a processor within said server;

a call related information/broadcast information stream relevant to a locality lookup table within said server accessible by said processor and associating call related information entries with respective broadcast information streams relevant to a locality;

a plurality of stored broadcast information streams within said server of current news relevant to a locality;

wherein said processor is adapted to identify a specific one of said plurality of stored broadcast information streams relevant to a locality for downloading a real-time audible representation of said one of said plurality of stored broadcast information streams relevant to a locality to a caller based only on call related information received with respect to an incoming call.

19. (Three Times Amended) A method of selecting a broadcast information stream relevant to a locality, comprising:

receiving call related information relating to a calling party by a server;

determining a desired one of a plurality of broadcast information streams of current news relevant to a locality for downloading to said calling party based only on said call related information by said server; and

downloading a real-time audible representation of said desired one of said plurality of broadcast information streams relevant to a locality to said calling party based only on said call related information by said server.

30. (Three Times Amended) Apparatus for selecting a highly localized broadcast information stream, comprising:

means for receiving call related information relating to a calling party by a server;

means for determining a desired one of a plurality of broadcast information streams for downloading to said calling party based only on said call related information by said server; and

means for downloading said desired one of said plurality of broadcast information streams to said calling party based only on said call related information by said server.

**REMARKS**

Claims 1, 19 and 30 are amended herein. Claims 1-9 and 19-34 remain pending in the application.

**Claims 19-28 and 30 over Riskin**

In the Office Action, claims 19-28 and 30 were rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Riskin, U.S. Patent No. 4,757,267 ("Riskin"). The Applicant respectfully traverses the rejection.

Claims 19-28 and 30 recite, *inter alia*, receiving call related information by a server and downloading a real-time audible representation of a desired one of a plurality of broadcast information streams of current news relevant to a locality to a calling party based only on call related information by the server.

Riskin appears to disclose a telephone system that automatically connects a potential customer with a nearby dealer who can provide the goods or services desired by the potential customer (Abstract). A call is routed to a long distance communications carrier (LDC) database computer (Riskin, col. 7, lines 39-40). A custom call routing (CCR) function at a database computer examines a Number Plan Area (NPA), i.e., the first three digits of a ten digit telephone number, of a caller's telephone number (Riskin, col. 7, lines 46-51). The database computer routes the call to a designated one of six customer/dealer service companies (CDSC) routing centers (RC) (Riskin, col. 7, lines 52-53). The caller's telephone number is used to obtain a coordinate, the coordinate is used to retrieve a dealer's telephone number and automatically connect the caller with the nearest or nearby dealer (Riskin, col. 8, lines 37-47).

As the Examiner acknowledges in the Advisory Action, Riskin fails to disclose receiving call related information and "calling a right location for the proper message" from a single location, i.e. Riskin requires calling an additional location for the proper message.

Claims 19-28 and 30 recite receiving call related information and downloading a message by a single location, i.e., a server. Riskin fails to disclose receiving call related information by a server and downloading a real-

time audible representation of a desired one of a plurality of broadcast information streams of current news relevant to a locality to a calling party by a server, as claimed by claims 19-28 and 30.

Moreover, the Examiner alleges advertising is synonymous with news. The Applicant respectfully disagrees.

Even if Riskin taught receiving call related information and determining a desired one of a plurality of broadcast information streams by a server (which as discussed above, Riskin does not), advertising is **NOT** news. Advertising is conventionally associated with promoting products. News is conventionally associated with reporting events. Riskin fails to teach downloading a real-time audible representation of a desired one of said plurality of broadcast information streams of current news relevant to a locality to a calling party based only on call related information, as claimed claims 19-28 and 30.

A benefit of identifying call related information and download a message from a single point, i.e., a server is, e.g., elimination of a step for a caller and delay. Using Riskin's database computer that routes the call to a routing center to connect a call to a dealer is a process that takes time and places a caller on hold while such routing is performed. The apparatus and functions of claims 19-28 and 30 are all performed by a server, the caller retrieving information directly from its storage location, eliminating delays and routing.

Accordingly, for at least all the above reasons, claims 19-28 and 30 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

**Claims 1-9 and 32 over Kennedy in view of Riskin**

In the Office Action, claims 1-9 and 32 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over Kennedy, III et al. U.S. Patent No. 6,301,480 ("Kennedy") in view of Riskin. The Applicant respectfully traverses the rejection.

Claims 1-9 and 32 recites, *inter alia*, a processor within a server adapted to identify a specific one of a plurality of stored broadcast information

streams within the server of current news relevant to a locality for downloading a real-time audible representation of one of the plurality of stored broadcast information streams relevant to a locality to a caller based only on call related information.

Kennedy appears to disclose a communication system that includes mobile units, a network switching center, and service centers to provide a variety of services to the mobile units (Kennedy, Abstract). In operation, the mobile unit generates a request for service in response to user interaction or an automatically triggered event (Kennedy, col. 4, lines 43-45; col. 6, lines 4-5). A voice module transfers or directs a call to a selected voice instrument and communicates associated automatic number identification information, caller ID, or other identifier of a mobile unit to an associated workstation (Kennedy, col. 4, lines 60-65). The workstation retrieves the data message with the same mobile unit identifier from data module (Kennedy, col. 4, lines 65-67). The data message includes load brokering services, vehicle monitoring, weather reporting, and financial and news services (Kennedy, col. 4, lines 37-40).

Kennedy teaches that caller ID data is used in conjunction with a request for service to obtain weather information that is transmitted to a mobile unit. Kennedy fails to disclose, teach or suggest identifying news from a server based only on call related information, as claimed by claims 1-9 and 32.

The Office Action relies on Riskin to allegedly make up for the deficiencies in Kennedy to arrive at the claimed invention. The Applicant respectfully disagrees.

As discussed above, Riskin fails to disclose a server performing the claimed functions, i.e. Riskin requires calling an additional location for the proper message. Riskin fails to disclose, teach or suggest performing all of the claimed functions in a server, i.e., a processor within a server adapted to identify a specific one of a plurality of stored broadcast information streams within the server of current news relevant to a locality for downloading a real-time audible representation of one of the plurality of stored broadcast information streams relevant to a locality to a caller based only on call related information, as claimed by claims 1-9 and 32.

Neither Kennedy nor Riskin, either alone or in combination, disclose, teach or suggest a processor within a server adapted to identify a specific one of a plurality of stored broadcast information streams within the server of current news relevant to a locality for downloading a real-time audible representation of one of the plurality of stored broadcast information streams relevant to a locality to a caller based **only** on call related information, as claimed by claims 1-9 and 32.

A benefit of identifying call related information and uploading a message based only on the call related information from a server is, e.g., elimination of a user step and delay for a caller. Kennedy requires a user make a request for specific kind of information, adding delay and an additional step for a user. Riskin's database computer routes the call to a routing center to connect a call to a dealer, a process that takes time and places a caller on hold while such routing is performed. Applicant's apparatus and functions are performed by a server, allowing a caller to retrieve information directly from its storage location, eliminating delays and routing.

Accordingly, for at least all the above reasons, claims 1-9 and 32 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

**Claims 21, 31, 33 and 34 over Riskin in view of Mitchell**

In the Office Action, claims 21, 31, 33 and 34 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over Riskin in view of Mitchell et al., U.S. Patent No. 6,108,406 ("Mitchell"). The Applicant respectfully traverses the rejection.

Claims 21, 31, 33 and 34 are dependent on claims 19 and 30 respectively, and are allowable for at least the same reasons as claims 19 and 30.

Claims 21, 31, 33 and 34 recite, *inter alia*, receiving call related information by a server and downloading a real-time audible representation of a desired one of a plurality of broadcast information streams of current news

relevant to a locality to a calling party based only on call related information by the server.

As discussed above, Riskin fails to disclose receiving call related information by a server and downloading a real-time audible representation of a desired one of a plurality of broadcast information streams of current news relevant to a locality to a calling party based only on call related information by the server, as claimed by claims 21, 31, 33 and 34.

The Office Action relies on Mitchell to allegedly make up for the deficiencies in Riskin to arrive at the claimed invention. The Applicant respectfully disagrees.

Mitchell appears to teach a system and method for downloading internet based information to an ADSI phone slot. The files at the accessed site are downloaded to a server, merged into an ADSI download, and then downloaded to the ADSI caller's telephone by means of a telephone network (Mitchell, col. 2, lines 19-22). The caller on the ADSI telephone selects the information downloaded from the remote site by subscribing to certain types of information such as weather, stock quotes, news, etc. (Mitchell, col. 2, lines 22-25).

Mitchell teaches downloading weather information to a telephone. The weather downloaded is based on a request from a user of the telephone. Mitchell fails to disclose receiving call related information by a server and downloading a real-time audible representation of a desired one of a plurality of broadcast information streams of current news relevant to a locality to a calling party based only on call related information by the server, as claimed by claims 21, 31, 33 and 34.

Neither Riskin nor Mitchell, either alone or in combination, disclose, teach or suggest receiving call related information by a server and downloading a real-time audible representation of a desired one of a plurality of broadcast information streams of current news relevant to a locality to a calling party based only on call related information by the server, as claimed by claims 21, 31, 33 and 34.

Accordingly, for at least all the above reasons, claims 21, 31, 33 and 34 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

**Claim 29 over Riskin in view of Fellingham**

In the Office Action, claim 29 was rejected under 35 U.S.C. §103(a) as allegedly being obvious over Riskin in view of Fellingham et al., U.S. Patent No. 6,442,244 (“Fellingham”). The Applicant respectfully traverses the rejection.

Claim 29 is dependent on claim 19, and is allowable for at least the same reasons as claim 19.

Claim 29 recites, *inter alia*, receiving call related information by a server and downloading a real-time audible representation of a desired one of a plurality of broadcast information streams of current news relevant to a locality to a calling party based only on call related information by the server.

As discussed above, Riskin fails to disclose receiving call related information by a server and downloading a real-time audible representation of a desired one of a plurality of broadcast information streams of current news relevant to a locality to a calling party based only on call related information by the server, as claimed by claim 29.

The Office Action relies on Fellingham to allegedly make up for the deficiencies in Riskin to arrive at the claimed invention. The Applicant respectfully disagrees.

Fellingham appears to disclose a method and apparatus for selective audio logo and/or announcements in a telecommunications network. A switch, upon receipt of a call, passes information, e.g., the calling party number, to a database (Fellingham, col. 3, lines 35-60). The calling party number is used to retrieve a particular audible logo and/or one or more announcements (Fellingham, col. 3, line 64-col. 4, line 3). The announcement plays to the calling party while the switch simultaneously sets up the call to the called party (Fellingham, Abstract).

Fellingham discloses retrieving a particular audible logo and/or an announcement based on the calling party number prior to connecting to a called



party. Fellingham fails to disclose, teach or suggest downloading information current news, much less receiving call related information by a server and downloading a real-time audible representation of a desired one of a plurality of broadcast information streams of current news relevant to a locality to a calling party based only on call related information by the server, as claimed by claim 29.

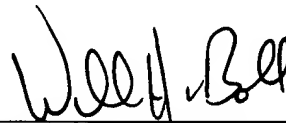
Neither Riskin nor Fellingham, either alone or in combination, disclose, teach or suggest receiving call related information by a server and downloading a real-time audible representation of a desired one of a plurality of broadcast information streams of current news relevant to a locality to a calling party based only on call related information by the server, as claimed by claim 29.

Accordingly, for at least all the above reasons, claim 29 is patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

### **Conclusion**

All objections and rejections having been addressed, it is respectfully submitted that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,



William H. Bollman  
Reg. No. 36,457

**Manelli Denison & Selter PLLC**  
2000 M Street, NW  
Suite 700  
Washington, DC 20036-3307  
TEL. (202) 261-1020  
FAX. (202) 887-0336

WHB/df